

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
WASHINGTON

DECISION

AUG 18 1942

State of Arizona

t Application for  
selection  
Phoenix 079799 "P".

Additional Evidence Required

On July 29, 1940 the State of Arizona filed application, Phoenix 079799 under the grant for Miners' Hospitals made by the act of February 28, 1929, and section 7 of the Taylor Grazing Act, as amended to select the piece, 61, Sec. 11, all sections 14 and 15, lot 8, 541/521, Sec. 23, NW 1/4, NW 1/4, SW 1/4, Sec. 26, SW 1/4, SW 1/4, Sec. 23 T. 20 S., R. 7 E., G. & G. R. R.

By section 7, act of June 28, 1934, as amended by the act of June 26, 1936 (49 Stat. 1776), the Secretary of the Interior is authorized in his discretion, to examine and classify any lands withdrawn or reserved by the Executive Order of November 26, 1934 and the amendments thereto, and the Executive order of February 9, 1935, or within a grazing district, and to open such lands to entry or selection in accordance with such classification under applicable public land laws. Such lands are not subject to disposition or settlement until after the same have been classified and opened to entry or selection. A petition for classification of the lands described above as subject to selection by the State under the law governing Miners' Hospitals selections, which is necessary in such cases, has not been filed in this case. (See Circular 1353b.)

In view of the foregoing, the Register of the district land office will notify the State officer hereof, and that, unless the required petition for the classification of the selected lands, as subject to selection under the law governing Miners' Hospitals selections, is filed within 30 days from receipt of notice, the application, which is hereby held for rejection, will be rejected and the case closed without further notice from this office. The State has a right of appeal.

*John D. Ladd, Jr.*  
Assistant Commissioner.

cc: Reg. (2)

6-13 cont



FCTL002818

4-0182

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE  
DISTRICT LAND OFFICE

Phoenix, Arizona,

(Place)

February 11, 1942.

(Date)

Involving State Selection 079799,

United States

vs.

State of Arizona.

By authority of General Land Office  
letter dated "N" of Jan. 27, 1942.

In the matter of the above-entitled case, you are hereby notified that the following charges have been filed by a representative of the Interior Department, against the validity of your entry, to wit:

1. That the NW<sup>1</sup>, NW<sup>2</sup>, Sec. 11, Lot 5, NW<sup>1</sup>NE<sup>1</sup>, Sec. 21, SE<sup>1</sup>SE<sup>2</sup>, Sec. 28, NE<sup>1</sup>NE<sup>2</sup>, Sec. 53, T<sup>1</sup> 20 S., R. 7 E., G. & S. R. M., Arizona, embraced in application 079799 to select, are mineral in character, and therefore are not subject to selection under the act of February 20, 1929 (\$45 Stat., 1252) pursuant to which the application was filed.

You are notified that if you fail to file in this office within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be considered for rejection or cancellation.

As the entry record is defective, in the event said charges should fail, it will be necessary to submit curative showing as to -----

1-21-40

(COPY).

United States  
Department of the Interior,  
General Land Office,  
Washington

1941

Serial No. Phoenix 079799 "N"

I.I. No. 13763.

(Contest 9753)

Jan. 27, 1942.

ADVERSE PROCEEDINGS ORDERED.

Referring to the above entitled matter, this office is in receipt of a report by a representative of the Government, based upon a field investigation, and because of the information contained therein the Register will proceed in accordance with Sections 222.1 to 222.14 inclusive, of Title 43 of the Code of Federal Regulations (Circs. 460 and 1299, 44 L.D. 572, 54 I.D. 214) and in the notice provided for in Sections 222.3, 222.4, and 222.5 thereof, he will state that the following charges have been filed.

1. That the NW<sup>1</sup>/4, NW<sup>1</sup>/4, Sec. 11, lot 5, NW<sup>1</sup>/4 SE<sup>1</sup>/4, Sec. 21, SE<sup>1</sup>/4 SE<sup>1</sup>/4, Sec. 28, NE<sup>1</sup>/4 NE<sup>1</sup>/4, Sec. 33, T. 20 S., R. 7 E., G. & S. R. M., Arizona, embraced in application 079799 to select, are mineral in character, and therefore are not subject to selection under the act of February 20, 1929 (45 Stat. 1252) pursuant to which the application was filed.

(Signed)      Fred W. Johnson,  
                    Commissioner.

FCTL002820

State of Arizona  
STATE LAND OFFICE  
OF ARIZONA

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GENERAL LAND OFFICE

FEB 1 1943

RECEIVED

U. S. LAND OFFICE  
Phoenix, Arizona

FEB 13 1943

Selection application  
Phoenix 079799 app

DECISION

FEB 15 1943

Application returned for allowance.

On July 29, 1940 the State of Arizona filed selection application, Phoenix 079799, under the grant for Miners' Hospitals and Section 7 of the Taylor Grazing Act, as amended, to select the N.W. 1/4 sec. 11, all sec. 14, all sec. 15, 1st & 2nd S., sec. 21, N.E. 1/4 sec. 22, W.E. 1/4 sec. 23, 1st & 2nd S., R. 7 T. sec. 6, 4 S. R. E. February 1, 1943 the Department approved the recommendation of this office that the land be classified as proper for acquisition and opened to selection by the State in compliance with the laws and regulations governing selections under the grant for Miners' Hospitals.

By approval of the application for classification, the State acquired a general once right of selection. The application is returned for allowance in the absence of record objection. The date of allowance by the Register will be considered the date the land was opened to selection pursuant to the classification order. Upon the allowance of the application, the Register will issue notice for publication in accordance with the regulations in 27 L.O. 19, 1940 notice to be published in the Daily Star at Tucson, Arizona. The Register will notify the State herof by ordinary mail.



Attachment  
Reg.-1  
S-1

COPY FOR GENERAL LAND OFFICE FILES

Land Office Control

*John David Helfsch*

FCTL002821

Mineral Contest  
9753

3-13-42

February 18, 1942

M-120

Baboquivari Cattle Company,  
Santa Margarita Ranch,  
Tucson, Arizona.

Re: Serial Phoenix 079799 "W"

Gentlemen:

We are in receipt of a letter from the General Land Office wherein they state that the NW<sup>1/4</sup>; NW<sup>1/4</sup>; Sec. 11, Lot 5; NW<sup>1/4</sup>; Sec. 21, SE<sup>1/4</sup>; Sec. 28, and NE<sup>1/4</sup>; Sec. 38, Twp. 20 South, Rng. 7 East are mineral in character and not subject to selection under the act of February 20, 1929 (46 Stat. 1252) pursuant to which the application was filed.

If you desire to appeal the case, you must do so within thirty days, and the expense of a field investigation must be borne by you. If you do not contest the same, please send in original leases numbered 39750, 39753, 39754 and 39755 so that we can cancel the rejected land from them and issue new leases on the remainder.

Thanking you, we are,

Yours very truly,

O. O. Williams  
State Land Commissioner

gw/

Lease mailed in 3-1-42

FCTL002822